

ASSEMBLY BILL

No. 3431

Introduced by Assembly Member Bowen

February 23, 1996

An act to add Chapter 4.5 (commencing with Section 8301) to Division 1 of Title 2 of the Government Code, and to amend Section 40182 of the Revenue and Taxation Code, relating to information systems.

LEGISLATIVE COUNSEL'S DIGEST

AB 3431, as introduced, Bowen. Geographic information systems.

(1) Existing law requires or authorizes state and local agencies to compile, maintain, and disseminate data for various purposes, and to develop electronic information systems for those purposes.

This bill would enact the Strategic Geographic Information Investment Act of 1996. It would establish the Geographic Information Board, with a specified membership, and with specified duties, including the administration of grants under the Geographic Information Grant Program for the development of new, and the ongoing maintenance of frameworks of existing, data bases for geographic information systems. It would establish the Geographic Information Grant Fund in the State Treasury for the purpose of funding the grant program, and provide that moneys in the fund shall be subject to appropriation in the annual Budget Act.

(2) Existing law establishes the Energy Resources Programs Account in the General Fund, for the purpose of

receiving specified excess moneys from the Energy Resources Surcharge Fund, and states the intent of the Legislature that those moneys be used for ongoing energy programs and energy projects deemed appropriate by the Legislature, including specified activities.

This bill would include the grant program established by the bill within the activities authorized to be funded from the Energy Resources Programs Account, and would specify that the Geographic Information Board established by the bill may receive funds from that account for purposes of the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of
2 the following:

3 (a) Quality information is essential to maintain the
4 health, safety, and welfare of the people of California and
5 California's economy and environment, and it is the
6 responsibility of state government to ensure that crucial
7 information is available for effective operation of the
8 public sector.

9 (b) The lack of quality information leads to poor
10 decisions by public and private organizations.

11 (c) Crime prevention, property management, energy
12 resources planning and service delivery, land planning,
13 risk assessment, economic development, emergency
14 response, pollution control, education, delivery of human
15 and social services, transportation management, natural
16 resources management, and environmental
17 decisionmaking are all functions of the public and private
18 sectors that require large amounts of high quality and
19 available information. This information can be indexed
20 by its geographic location, and, through the use of
21 geographic information systems, can be retrieved rapidly
22 and effectively.

23 (d) Computers and electronic data bases proliferate
24 throughout government, and automated mapping and



1 geographic information systems are the fastest growing
2 areas for information technology.

3 (e) Data are often collected and data bases designed
4 for isolated reasons, and seldom with consideration for the
5 needs and requirements of those outside the sponsoring
6 organization. California cannot afford data
7 fragmentation. A new direction must focus on
8 coordinated actions and better allocation of existing
9 financial resources at all levels of government.

10 (f) The capture of geographic information is
11 expensive, and public and private organizations must be
12 encouraged to work together to create shared geographic
13 information data bases, thus avoiding redundancy and
14 duplication.

15 (g) The update and maintenance of existing
16 geographic information system data bases is an effort that
17 is critical to the effective use and preservation of the
18 resources invested in geographic information systems.

19 (h) Geographic information is heavily relied upon and
20 critical to public agencies, public utilities, educational
21 institutions, and private organizations, and provides the
22 foundation for assessment and planning of services and
23 actions.

24 (i) The flow of information between public
25 organizations and the citizenry must be unfettered in
26 order for public organizations to respond rapidly and
27 successfully to the health, safety, and welfare concerns of
28 the people of California.

29 (j) Increased electronic access to the public's
30 information systems will enhance the delivery of public
31 services and the availability of information.

32 (k) California must implement a comprehensive
33 strategy for the development, funding, and coordinated
34 use of geographic information to successfully serve its
35 citizens and to compete in the new international
36 economic system.

37 (l) Automated mapping and geographic information
38 systems offer great value to the public. It is a policy option
39 of each public agency to decide whether the information
40 that it has gathered, maintained, and stored in these

1 systems should be offered to private commercial users as
2 a public subsidy, or on a fee-for-service basis.

3 (m) Because of the high cost of creating and
4 maintaining geographic information data bases, many
5 public agencies are seeking greater authority to sell the
6 data. Public agency policies for pricing the data range
7 from covering the cost of data duplication, to recouping
8 the costs from compilation and maintenance of the data
9 bases. These policies impede and discourage the sharing
10 of data among public agencies with overlapping
11 geographic jurisdictions and interests. They also threaten
12 to thwart the public's right to open and unfettered access
13 to the government's decisionmaking information.

14 (n) It is the intent of the Legislature in enacting this
15 act to redress these problems and take better advantage
16 of opportunities described in this act. It is the further
17 intent of the Legislature to provide an alternative source
18 of funds for public agencies to create and maintain
19 geographic information data bases without having to sell
20 the public data. Finally, it is the intent of the Legislature
21 to establish a board to coordinate open exchange of
22 geographic information among public agencies by
23 establishing compatible standards for framework
24 information and serving as a clearinghouse for access to
25 data.

26 SEC. 2. Chapter 4.5 (commencing with Section 8301)
27 is added to Division 1 of Title 2 of the Government Code,
28 to read:

29
30 CHAPTER 4.5. STRATEGIC GEOGRAPHIC INFORMATION
31 INVESTMENT ACT OF 1996
32

33 8301. This chapter shall be known and may be cited
34 as the Strategic Geographic Information Investment Act
35 of 1996.

36 8302. For the purposes of this chapter, the following
37 definitions shall apply:

38 (a) "Board" means the Geographic Information
39 Board.



1 (b) “Data base” means records or groups of records,
2 stored electronically, that can be retrieved by a
3 computer.

4 (c) “Framework data base” means any categories of
5 geographic information and their attributes that provide
6 a foundation for collection and analysis of other data. A
7 characteristic of framework data is that it serves
8 multipurpose and multiple users with the same data.

9 (d) “Geographic information” means any physical,
10 legal, economic, environmental, biological, or human
11 information related by some indicator of geographic
12 location. Geographic information includes, but is not
13 limited to, information relating to topography, soil,
14 geology, vegetation, land cover, land use, land use
15 controls and restrictions, wildlife, land ownership,
16 jurisdictional boundaries, administrative zones, tax
17 assessment, land value, geodetic control, aerial
18 photography, planimetric data, satellite imagery, historic
19 and prehistoric sites, and economic projections.

20 (e) “Geographic information records” means maps,
21 documents, computer files, data bases, and other
22 information storage media in which geographic
23 information is recorded.

24 (f) “Geographic information system” means an
25 organized collection of computer hardware, software,
26 geographic information, and personnel designed to
27 efficiently capture, store, update, manipulate, analyze,
28 and display all forms of geographically referenced
29 information.

30 8303. (a) There is hereby created a Geographic
31 Information Board, to consist of 10 members, as follows:

32 (1) Nine members appointed by the Governor as
33 follows:

34 (A) One member who is experienced with geographic
35 information used and developed by municipal
36 government.

37 (B) One member who is experienced with geographic
38 information used and developed by county government.

39 (C) One member who is experienced with geographic
40 information used and developed by state government.

1 (D) One member who is experienced with geographic
2 information used and developed by regional government
3 agencies as defined in Chapter 5 (commencing with
4 Section 65000) of Division 7.

5 (E) One member who is experienced with geographic
6 information used and developed by public utilities.

7 (F) One member who represents an institution of
8 higher learning and is experienced in geographic
9 information.

10 (G) One member who is authorized to practice land
11 surveying by the State of California Board of Professional
12 Engineers and Land Surveyors.

13 (H) Two members who represent the public and have
14 expertise and experience with geographic information.

15 (2) The chairperson of the California Geographic
16 Information Coordination Council is a member.

17 (b) The board may select and appoint advisory
18 members to serve in a nonvoting capacity and assist the
19 board in its deliberations. The advisory membership
20 should consist of a representative of a regional planning
21 agency, a county employee active in the management of
22 geographic information systems, a municipal employee
23 active in the management of geographic information
24 systems, a representative of professional surveyors, a
25 representative of professional engineers, representatives
26 of elementary and higher education, representatives
27 from state and federal agencies active in the
28 management of geographic information systems, and
29 other groups that the board believes will help foster its
30 goals and objectives.

31 (c) Each member of the board shall represent the
32 state at large and not any particular geographic region or
33 special interest thereof.

34 (d) The Governor shall appoint the members of the
35 board no later than March 1, 1997. If the Governor fails to
36 make an appointment within that period, the Senate
37 Committee on Rules may make the initial appointment.
38 Every appointment made by the Governor shall be
39 subject to the advice and consent of the Senate. An

1 appointment by the Senate Committee on Rules in not
2 subject to Senate confirmation.

3 (e) The terms of office of the appointed members of
4 the board shall be for four years, except that the members
5 first appointed to the board shall classify themselves by lot
6 so that the term of two or three members, as the case may
7 be, shall expire at the end of each of the four years
8 following the initial appointments to the board.

9 (f) Any vacancy shall be filled by the Governor within
10 30 days of the date on which a vacancy for the unexpired
11 portion of the term occurs or for any new term of office.
12 If the Governor fails to make an appointment for any
13 vacancy within that period, the Senate Committee on
14 Rules may make the appointment to fill the vacancy for
15 the unexpired portion of the term.

16 (g) Every two years, the board shall elect a
17 chairperson and a vice-chairperson from the
18 membership of the board. The term of office for the
19 chairperson and vice-chairperson shall be two years. If a
20 vacancy occurs in either office, the board shall fill the
21 vacancy for the unexpired term.

22 (h) Members shall serve without compensation, but
23 the expenses of each member incurred in connection
24 with official duties shall be paid by the board.

25 (i) The board shall establish its office in the County of
26 Sacramento and for this purpose may rent or own
27 property and equipment.

28 (j) The board shall appoint an executive director who
29 shall serve at the pleasure of the board. The board shall
30 prescribe the duties and salary of the executive director.
31 The executive director shall, subject to the approval of
32 the board, appoint those employees necessary to perform
33 the functions of the board.

34 (k) A majority of the voting members of the board
35 shall constitute a quorum for the transaction of business
36 of the board. A majority vote of the voting members
37 present shall be required to take action with respect to
38 any matter unless otherwise specified in this chapter. The
39 vote of each member shall be individually recorded.

1 (l) The board shall adopt its own rules and procedures
2 necessary for its organization and operation. Any rule,
3 procedure, plan, or other record of the board that
4 constitutes a public record pursuant to subdivision (d) of
5 Section 6252 shall be available for inspection and copying
6 during regular office hours.

7 (m) The board may apply for and accept federal
8 grants or other federal funds and receive gifts, donations,
9 rents, royalties, state funds derived from bond sales, the
10 proceeds of taxes or funds from other state revenue
11 sources, including funds transferred from the Energy
12 Resources Surcharge Account established pursuant to
13 Section 40182 of the Revenue and Taxation Code, or any
14 other financial support available from public or private
15 sources.

16 (n) The board may expend no more than 10 percent
17 of the moneys in the grant fund appropriated annually by
18 the Legislature for the operations of the board.

19 8304. The board shall perform the following
20 functions:

21 (a) Direct and supervise the geographic information
22 grant program for the state.

23 (b) Collect, maintain, and disseminate information
24 regarding the availability and development of
25 geographic information and geographic information
26 products and serve as the state clearinghouse for access
27 to geographic information.

28 (c) Administer and monitor the Geographic
29 Information Grant Program established pursuant to
30 Section 8306. The board shall set eligibility requirements,
31 competitive selection criteria, and performance
32 monitoring criteria for grants.

33 (d) Define framework geographic data bases and the
34 minimum level of attribution for the framework data
35 bases that are eligible for grants from the geographic
36 information grant program.

37 (e) Ensure and certify that data developed and
38 maintained through the grant program conform to
39 framework standards and integrates with other
40 framework data. The board shall ensure that a consistent

1 set of standards applies to all framework data bases
2 developed and maintained through the grant program.

3 8305. (a) There is in the State Treasury the
4 Geographic Information Grant Fund. All moneys
5 appropriated or transferred by the Legislature to, or
6 received from any other source by, the board, shall be
7 deposited in the fund.

8 (b) Moneys in the fund shall be used for fostering
9 programs and activities to create and improve
10 geographic information, including, but not limited to, the
11 Geographic Information Grant Program and the
12 activities of the Geographic Information Board.

13 (c) Moneys in the fund shall be subject to
14 appropriation in the annual Budget Act.

15 8306. (a) The board shall establish the Geographic
16 Information Grant Program, to administer grants from
17 the Geographic Information Grant Fund as follows:

18 (1) Development of new, and the ongoing
19 maintenance of frameworks of existing, data bases for
20 geographic information systems shall be the only
21 purposes for which grants may be made.

22 (2) The board shall not make grants for applications
23 that duplicate framework data bases already existing and
24 that are available from another source, whether it be
25 private or public.

26 (3) The grant program shall be open to all public
27 agencies and private organizations located in California.

28 (4) Grants may be made to partnerships, to include at
29 least one public agency. The partnership shall
30 demonstrate in its application that each partner shares
31 responsibility for development and maintenance of the
32 geographic information and that each partner uses and
33 participates materially in the geographic information
34 developed or maintained.

35 (5) The maximum dollar amount for a grant shall be
36 determined annually by the board.

37 (6) The board may require all grants to have a
38 matching requirement. The board shall develop criteria
39 for determining the levels of a matching requirement for
40 any application. The board may permit a matching

1 requirement be met through the provision of goods and
2 services by an applicant.

3 (7) The board shall require that any recipient of a
4 grant make data developed or maintained with grant
5 funds available to disclosure under the California Public
6 Records Act (Chapter 3.5 (commencing with Section
7 6250) of Division 7) and require that the data shall be
8 placed in the public domain free of any restriction on use
9 or copy.

10 (b) The board shall meet and annually award grants to
11 selected applicants up to the total amount authorized by
12 the Legislature.

13 (c) In administering the grant program, the board
14 shall promote, facilitate, and coordinate liaison among
15 municipal, county, regional, state, and federal agencies as
16 well as public utilities and private companies involved
17 with the creation and maintenance of geographic
18 information.

19 (d) The board shall report annually to the Legislature
20 on the status of the grant program, the success of the
21 program in achieving the development of framework
22 data bases, and the status and success of each grant.

23 SEC. 3. Section 40182 of the Revenue and Taxation
24 Code is amended to read:

25 40182. (a) All ~~money~~ *moneys* deposited in the
26 Energy Resources Surcharge Fund under this part shall
27 upon order of the Controller be drawn therefrom and
28 transferred to pay the refunds authorized by this part.
29 The balance shall be transferred to the Energy Resources
30 Programs Account, which is hereby created in the
31 General Fund.

32 It is the intent of the Legislature that the funds in the
33 Energy Resources Programs Account be used for ongoing
34 energy programs and energy projects deemed
35 appropriate by the Legislature, including, but not limited
36 to, the activities of the State Energy Resources
37 Conservation and Development Commission, *and the*
38 *grant program funded from the Geographic Information*
39 *Grant Fund established pursuant to Section 8305 of the*
40 *Government Code.*

1 Notwithstanding any other provisions of law to the
2 contrary, all appropriations from the Energy Resources
3 Programs Account shall be made by the annual Budget
4 Act.

O

